

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:22-cv-00021-MR**

DAVID GORDON OPPENHEIMER,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
ROWENA P. PATTON, et al.,)	
)	
Defendants.)	
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THIS MATTER is before the Court on the Plaintiff's Motion to Compel Discovery and to Compel Defendants to Mediate in Person [Doc. 18].

By the present motion, the Plaintiff moves to compel the Defendants to respond to the Plaintiff's Interrogatories and Requests for Production. [Doc. 18]. The Plaintiff also moves to compel the Defendants to mediate this matter in person. [Id.].

With respect to the discovery propounded by the Plaintiff, the Defendants state in their Response that answers to these discovery requests have now been provided. [Doc. 21]. The Plaintiff has not filed any reply refuting the Defendants' assertion. As such, it appears that the Plaintiff's motion to compel is now moot.


With respect to the Plaintiff's request for an order requiring the Defendants to attend mediation in person, the Defendants request that they not be required to appear in person due to the "hostile environment" purportedly created by the Plaintiff's counsel. [Doc. 21 at 2]. Nevertheless, the Defendants state they are willing to attend the mediation in person. [Id.].

Local Civil Rule 16.3 requires all mediated settlement conferences to be conducted in person, unless leave is otherwise granted by the mediator. LCvR 16.3(c)(2). As the Local Rule clearly states, whether a mediation is to be conducted remotely is entirely up to the designated mediator. The Defendants do not state whether they have requested such leave from the designated mediator or whether any such leave has been granted. Moreover, they have indicated their willingness to attend the mediation in person. For all these reasons, the Plaintiff's request to compel the Defendants' attendance is denied as moot. The mediation shall proceed in person as required by the Local Rules, unless the designated mediator grants leave for any party to appear remotely.

IT IS, THEREFORE, ORDERED that the Plaintiff's Motion to Compel Discovery and to Compel Defendants to Mediate in Person [Doc. 18] is **DENIED AS MOOT**.

IT IS SO ORDERED.

Signed: June 5, 2023

A handwritten signature in black ink, appearing to read "Martin Reidinger", is written over a horizontal line.

Martin Reidinger
Chief United States District Judge

